

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

CYD MARIE BADON,

*Plaintiff,*

VS.

ALPHATEC SPINE A/K/A ALPHATEC  
SUPPLY COMPANY,

*Defendant.*

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CASE NO. 1:11-CV-00586-RC-KFG

**PLAINTIFF'S MOTION TO DISMISS WITH PREJUDICE**

TO THE HONORABLE ZACK HAWTHORN, UNITED STATES MAGISTRATE JUDGE:

COMES NOW, Plaintiff, CYD MARIE BADON ("Plaintiff"), in the above-entitled and numbered cause, and files this Motion to Dismiss with Prejudice ("Motion") as to any and all claims and causes of action herein brought by her against Defendant, ALPHATEC SPINE, INC. ("Defendant"), and in support of this Motion, Plaintiff would show unto the Court the following:

**I.**

Plaintiff no longer desires to prosecute her claims and causes of action against Defendant.

**II.**

Accordingly, Plaintiff respectfully prays that this Motion be granted, that the Court enter an Order dismissing any and all claims and causes of action herein asserted by her against Defendant with prejudice, and assess all court costs and attorney's fees against the parties incurring the same.

Respectfully submitted,

**PROVOST UMPHREY LAW FIRM, L.L.P.**

By: /s/ Christopher T. Kirchmer

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**ATTORNEY FOR PLAINTIFF,  
CYD MARIE BADON**

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, do hereby certify that a true and correct copy of the foregoing document was forwarded to the following counsel-of-record on the **28<sup>th</sup> day of September, 2012**, via CM/ECF; hand delivery; overnight courier; U.S. Mail; certified mail, return receipt requested; and/or facsimile, pursuant to the Federal Rules of Civil Procedure:

Charles B. Holm  
Kyle M. Smith  
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Houston, Texas 77002  
**Via CM/ECF**

/s/ Christopher T. Kirchmer

Christopher T. Kirchmer